

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3350

DATE: January 9, 2002

PROPOSAL: To amend Sections 27.41.030, 27.41.040, 27.43.030, 27.43.040, 27.49.030, 27.49.040, and repealing Sections 27.63.700, 27.41.030, 27.41.040, 27.43.030, 27.43.040, 27.49.030 and 27.49.040 of the Lincoln Municipal Code (LMC) to allow the storage/display of vehicles for sale and resale on any portion of a lot where parking is permitted in the H-2, H-3 and I-2 zoning districts.

CONCLUSION: This amendment provides a greater setback and increased landscaping in comparison to CZ#3352. The setback and landscaping are consistent with the standards either being developed or under discussion for entry-way and public-way corridors.

<u>RECOMMENDATION:</u>	Approval with revisions
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GENERAL INFORMATION:

APPLICANT: Kathleen A. Sellman, AICP
Planning Director
555 South 10th Street, Room 213
Lincoln, NE 68508

CONTACT: Brian Will
Planning Department
555 S. 10th Street, Room 213
Lincoln, NE 68508

PROPOSED TEXT CHANGES: Attached.

HISTORY: SP#1929 - An application for a special permit was submitted by Red Star Auto to park and display vehicles in the front yard at 702 West O Street, but included no landscaping between the display area and the property line. The application received recommendations for denial from the Planning Department and Planning Commission. The permit was approved by the City Council on October 22, 2001, but was subsequently vetoed by the Mayor on October 29, 2001.

In response to issues raised by SP#1929, the City Council directed City Staff to develop alternate revisions to the Zoning Ordinance to allow auto sales and display in the front yard without a special permit, but that included conditions that would provide land use compatibility. Consensus among City Council, the Mayor and City Staff had not been reached on the content and form of the revision when CZ#3352 was submitted by the Nebraska Independent Dealers Association.

CZ#3352 - This application was a text amendment submitted by the Nebraska Auto Dealers Association, with a public hearing before the Planning Commission on January 23, 2002. The amendment added Section 27.70.060 to allow the storage of vehicles for sale or resale in the B-3, H-2, H-3 and I-2 zoning districts on any portion of a required yard where parking is otherwise permitted, under certain conditions. Generally, these conditions are that the vehicle cannot be upon a raised structure, the hood or trunk will not be open, and the landscaping must be installed in accordance with the parking lot design standards. The provision allowing this use with a special permit remained to allow for requests for exceptions to the above noted conditions.

The applicant has since modified the amendment to delete those portions that affect the B-3 district, and to remove the special permit provisions. Another hearing before the Planning Commission is required due to these changes and the need for the amendment to be properly advertised.

ANALYSIS:

1. This amendment is a modified version of a concept originally prepared by Staff at the direction of City Council prior to CZ#3352 being submitted. It allows the storage/display of vehicles for sale or resale in the H-2, H-3 and I-2 zoning districts as a conditional use on any portion of a required yard where parking is otherwise permitted, under certain conditions. Generally, these conditions are that it can only be in the rear half of the front yard; that parking barriers be provided so cars do not overhang into the front half of the front yard; the vehicle cannot be upon a raised structure; the hood or trunk will not be open; and that any portion of the front yard not used for the storage of cars be devoted to trees, shrubs, and grass with a 60% screen from the ground to 2' above the surface of the lot.
2. Provisions for the I-2 zoning district were included to maintain consistency with CZ#3352, and so the same legal advertisement could be used for both. However, parking is already restricted in I-2 in a manner similar to that being proposed, so the amendment would have little actual impact. For this reason, proposed amendments affecting the I-2 zoning district can be deleted.
3. Currently, there are on-going processes to develop standards for both public-way and entry-way corridors. CZ#3350 was compared to the standards that have either been drafted or discussed in those processes to ensure that any revisions to LMC that affect

setbacks, landscaping and design standards along major roadways not conflict with those standards. The setbacks and landscaping provided by this amendment are consistent, or at least do not conflict with, what have been proposed or discussed in the development of those standards thus far.

4. As noted previously, consensus among the Mayor, City Council and Staff had not been reached on the concept of this amendment when CZ#3352 was submitted by the Auto Dealers Association. During the interim, this amendment has been revised to satisfy concerns initially raised. Additionally, it was reviewed with the corridor standards in mind, and addresses the need for setbacks and landscaping that are consistent with what is known about those standards at this time. While the preferred alternative would be to include this in the on-going processes of developing corridor standards, the timeline for their completion has not been set and adoption is not certain. Acknowledging the urgency to address the issues raised by the veto of SP#1929, this amendment provides an alternative that is not in conflict with adopted regulations or with what is known about standards that are being developed.

CONDITIONS:

1. Delete those sections affecting the I-2 zoning district.

Prepared by:

Brian Will, AICP
Planner

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 27.41.030 of the Lincoln Municipal Code
2 to add a subparagraph (g) to provide conditions regarding the storage/display of vehicles
3 for sale and resale in the H-2 Highway Business District when located on any portion of
4 the lot where parking is permitted; amending Section 27.41.040 to delete subparagraph
5 (m) to delete the storage of vehicles for sale and resale on any portion of the lot where
6 parking is permitted; amending Section 27.43.030 of the Lincoln Municipal Code to revise
7 subparagraph (k) to provide additional conditions regarding the storage/display of vehicles
8 for sale and resale in the H-3 Highway Commercial District when located on any portion
9 of a lot where parking is permitted, and amending Section 27.43.040 to delete
10 subparagraph (q) to delete the storage of vehicles for sale and resale on any portion of a
11 lot where parking is permitted as a special permitted use; amending Section 27.49.030 to
12 add a subparagraph (g) to provide conditions regarding the storage/display of vehicles for
13 sale and resale in the I-2 Industrial District when located on any portion of the lot where
14 parking is permitted; amending Section 27.49.040 to delete subparagraph (j) to delete the
15 storage of vehicles for sale and resale on any portion of the lot where parking is permitted;
16 repealing Section 27.63.700 of the Lincoln Municipal Code relating to special permits for
17 the storage of vehicles for sale where parking is permitted; and repealing Sections
18 27.41.030, 27.41.040, 27.43.030, 27.43.040, 27.49.030, and 27.49.040 of the Lincoln
19 Municipal Code as hitherto existing.

20 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

21 Section 1. That Section 27.41.030 of the Lincoln Municipal Code be
22 amended to read as follows:

23 **27.41.030 Permitted Conditional Uses.**

24 A building or premises may be used for the following purposes in the H-2 Highway
25 Business District in conformance with the conditions prescribed herein:

26 (a) Automobile/truck wash facility:

1 (1) Automatic, conveyor-operated: The length and location of vehicle
2 stacking lane or lanes for the approach side or sides and the exit side or sides of the wash
3 operation shall be in conformance with the "guidelines and regulations for driveway design
4 and location" as adopted by the City of Lincoln.

5 (2) Self-service, coin-operated: The wash facility shall not exceed six
6 wash bays. The length and location of vehicle stacking lane or lanes for the approach side
7 or sides and the exit side or sides of the wash operation shall be in conformance with the
8 "guidelines and regulations for driveway design and location" as adopted by the City of
9 Lincoln.

10 (b) Motels and hotels: A distance of at least twenty feet shall be maintained
11 between buildings on the lot, and each hotel or motel unit shall have a minimum enclosed
12 floor area of 200 square feet.

13 (c) Service facilities, including but not limited to repair and maintenance of home
14 and office equipment, electrical appliances, radio and television sets, and rental equip-
15 ment; and the places of business of plumbing, electrical, and heating and air conditioning
16 contractors.

17 All storage and display of merchandise shall be screened from public view by a
18 fence, walls, shrubs, material obstruction, or all such storage and display shall be within
19 the enclosure walls of a building.

20 (d) Early childhood care facilities:

21 (1) Such facilities shall comply with all applicable state and local early
22 childhood care requirements;

23 (2) Such facilities shall comply with all applicable building and life safety
24 code requirements;

25 (3) Such facilities shall be fenced and have play areas that comply with
26 the design standards for early childhood care facilities;

27 (4) Such facilities must receive a conditional use permit from the
28 Department of Building and Safety.

29 (e) Recycling center:

30 (1) Building area of such center shall not exceed 8,000 square feet;

1 (2) Adequate traffic stacking shall be provided on site as determined by
2 the city;

3 (3) All required parking shall be provided on site;

4 (4) The facility shall not be designed to receive nor shall it accept
5 shipments by semi-trailer trucks;

6 (5) Construction and operation of such center shall comply with all
7 applicable health and fire codes.

8 (f) Vehicle body repair shop:

9 (1) All salvage material including vehicles being salvaged shall be inside
10 a building;

11 (2) All vehicles stored outside shall be repaired to an operating state
12 within thirty days;

13 (3) All vehicles stored outside waiting repair shall be screened in
14 accordance with the screening requirements for salvage and scrap processing operations;

15 (4) Construction and operation of such shop shall comply with all
16 applicable health and fire codes;

17 (5) Vehicle body repair shops lawfully existing on the effective date of this
18 ordinance shall have until January 1, 1987 to be brought into compliance with conditions
19 (1), (2), (3), and (4) above.

20 (g) The storage of vehicles for sale and resale on any portion of a lot where
21 parking is permitted:

22 (1) The storage of vehicles for sale and resale is permitted in the rear
23 one-half of the front yard under the following conditions:

24 (i) The storage of vehicles for sale and resale in the front yard
25 shall not be nearer than the required side yard to any side lot line.

26 (ii) Parking barriers in accordance with parking lot design
27 standards must be provided around the storage/display area to prevent the vehicles
28 stored/displayed for sale or resale from overhanging the required front yard where vehicles
29 are not allowed to be stored/displayed for sale or resale.

1 (iii) No vehicle shall be stored/displayed for sale or resale in the
2 front yard upon a raised concrete island or on a raised display structure.

3 (iv) The hood or trunk or both of vehicles stored/displayed for sale
4 or resale in the front yard shall not be open except when inspected by a customer or for
5 servicing.

6 (v) That portion of the front yard utilized for the storage of vehicles
7 for sale and resale shall be landscaped in accordance with the parking lot design
8 standards. Said landscaping shall be permanently maintained by the owner.

9 (2) That portion of the front yard not utilized for the storage of vehicles for
10 sale and resale shall not be used for customer or employee parking but shall be devoted
11 to trees, shrubs, and grasses.

12 (3) That portion of the front yard not utilized for the storage of vehicles for
13 sale and resale shall be screened at least sixty percent from zero feet to two feet above
14 the surface of the lot. Fences may not be used to meet the screening requirement. If plant
15 material is used, the density percentage is calculated at plant maturity. The screen shall
16 be located throughout the area but far enough from the barrier so as to be protected from
17 the bumpers of overhanging vehicles. Entrance driveways and the required open space
18 for sight distance associated with intersections and driveways shall be excluded from the
19 required screen.

20 (4) No fence shall be erected in that portion of the front yard not utilized
21 for the storage of vehicles for sale and resale.

22 (5) Any existing automobile sales facility lawfully established on the
23 effective date of this ordinance which does not comply with conditions (1) through (4)
24 above may be continued in accordance with the provisions of Chapter 27.61 for
25 nonconforming uses.

26 Section 2. That Section 27.41.040 of the Lincoln Municipal Code be
27 amended to read as follows:

28 **27.41.040 Permitted Special Uses.**

1 A building or premises may be used for the following purposes in the H-2 Highway
2 Business District if a special permit for such use has been obtained in conformance with
3 the requirements of Chapter 27.63:

- 4 (a) Outdoor theaters;
- 5 (b) Broadcast towers;
- 6 (c) Extraction of sand, gravel, and soil;
- 7 (d) Church steeples, towers, and ornamental spires exceeding the maximum
8 permitted height of the H-2 Highway Business District;
- 9 (e) Outdoor lighting for recreational facilities;
- 10 (f) Expansion of nonconforming uses;
- 11 (g) Historic preservation;
- 12 (h) Public utilities purposes;
- 13 (i) Wind energy conversion systems;
- 14 (j) Cemeteries;
- 15 (k) Sale of alcoholic beverages for consumption on the premises;
- 16 (l) Sale of alcoholic beverages for consumption off the premises;
- 17 (m) ~~Storage of vehicles for sale and resale on any portion of the lot where~~
18 ~~parking is permitted;~~
- 19 ~~——(n)——~~ Sexually oriented live entertainment establishments.

20 Section 3. That Section 27.43.030 of the Lincoln Municipal Code be
21 amended to read as follows:

22 **27.43.030 Permitted Conditional Uses.**

23 A building or premises may be used for the following purposes in the H-3 Highway
24 Commercial District in conformance with the conditions prescribed herein:

- 25 (a) Automobile/truck wash facility:
 - 26 (1) Automatic, conveyor-operated: The length and location of vehicle
27 stacking lane or lanes for the approach side or sides and the exit side or sides of the wash
28 operation shall be in conformance with the "guidelines and regulations for driveway design
29 and location" as adopted by the City of Lincoln.

1 (2) Self-service, coin-operated: The length and location of vehicle
2 stacking lane or lanes for the approach side or sides and the exit side or sides of the wash
3 operation shall be in conformance with the "guidelines and regulations for driveway design
4 and location" as adopted by the City of Lincoln.

5 (b) Motels and hotels: A distance of at least twenty feet shall be maintained
6 between buildings on the lot and each hotel or motel unit shall have a minimum enclosed
7 floor area of 200 square feet.

8 (c) Early childhood care facilities:

9 (1) Such facilities shall comply with all applicable state and local early
10 childhood care and building requirements;

11 (2) Such facilities shall comply with all applicable building and life safety
12 code requirements;

13 (3) Such facilities shall be fenced and have play areas that comply with
14 the design standards for early childhood care facilities;

15 (4) Such facilities must receive a conditional use permit from the
16 Department of Building and Safety.

17 (d) Recycling center:

18 (1) Building area of such center shall not exceed 8,000 square feet;

19 (2) Adequate traffic stacking shall be provided on site as determined by
20 the city;

21 (3) All required parking shall be provided on site;

22 (4) The facility shall not be designed to receive nor shall it accept
23 shipments by semi-trailer trucks;

24 (5) Construction and operation of such center shall comply with all
25 applicable health and fire codes.

26 (e) Vehicle body repair shop:

27 (1) All salvage material including vehicles being salvaged shall be inside
28 a building;

29 (2) All vehicles stored outside shall be repaired to an operating state
30 within thirty days;

1 (3) All vehicles stored outside waiting repair shall be screened in
2 accordance with the screening requirements for salvage and scrap processing operations;

3 (4) Construction and operation of such shop shall comply with all
4 applicable health and fire codes;

5 (5) Vehicle body repair shops lawfully existing on the effective date of this
6 ordinance shall have until January 1, 1987 to be brought into compliance with conditions
7 (1), (2), (3), and (4) above.

8 (6) Parking shall be provided in accordance with Section 27.67.066.

9 (7) Vehicle body repair shops shall not be converted to a permitted use
10 unless all the parking requirements of Section 27.67.020 for such use are met.

11 (f) Truck and heavy equipment sales:

12 (1) Parking shall be provided in accordance with Section 27.67.066.

13 (2) Truck and heavy equipment sales shall not be converted to a
14 permitted use unless all the parking requirements of Section 27.67.020 for such use are
15 met.

16 (g) Farm machinery sales establishments:

17 (1) Parking shall be provided in accordance with Section 27.67.066.

18 (2) Farm machinery sales establishments shall not be converted to a
19 permitted unless all the parking requirements of Section 27.67.020 for such use are met.

20 (h) Motor truck terminals:

21 (1) Parking shall be provided in accordance with Section 27.67.066.

22 (2) Motor truck terminals shall not be converted to a permitted use unless
23 all the parking requirements of Section 27.67.020 for such use are met.

24 (i) Mobile home sales:

25 (1) Parking shall be provided in accordance with Section 27.67.066.

26 (2) Mobile home sales shall not be converted to a permitted use unless
27 all the parking requirements of Section 27.67.020 for such use are met.

28 (j) Places of business of plumbing contractors, heating and air conditioning
29 contractors, and cabinet shops:

30 (1) Parking shall be provided in accordance with Section 27.67.066.

1 (2) Said places of business shall not be converted to a permitted unless
2 all the parking requirements of Section 27.67.020 for such use are met.

3 (k) Automobile sales and repair, but not including vehicle body repair shops:

4 (1) Parking shall be provided in accordance with Section 27.67.066.

5 (2) The storage of vehicles for sale and resale is permitted in the rear
6 one-half of the front yard under the following conditions:

7 (i) The storage of vehicles for sale or resale in the front yard shall
8 not be nearer than the required side yard to any side lot line.

9 (ii) Parking barriers in accordance with parking lot design
10 standards must be provided around the storage/display area to prevent the vehicles
11 stored/displayed for sale or resale from overhanging the required front yard where vehicles
12 are not allowed to be stored/displayed for sale or resale.

13 (iii) No vehicle shall be stored/displayed for sale or resale in the
14 front yard upon a raised concrete island or on a raised display structure.

15 (iv) The hood or trunk or both of vehicles stored/displayed for sale
16 or resale in the front yard shall not be open except when inspected by a customer or for
17 servicing.

18 (v) That portion of the front yard utilized for the storage of vehicles
19 for sale and resale shall be landscaped in accordance with the parking lot design
20 standards. Said landscaping shall be permanently maintained by the owner.

21 (3) That portion of the front yard not utilized for the storage of vehicles for
22 sale and resale shall not be used for customer or employee parking but shall be devoted
23 to trees, shrubs, and grasses.

24 (4) That portion of the front yard not utilized for the storage of vehicles for
25 sale and resale shall be screened at least 60% from zero feet (0') to two feet (2') above the
26 surface of the lot. Fences may not be used to meet the screening requirement. If plant
27 material is used, the density percentage is calculated at plant maturity. The screen shall
28 be located throughout the area but far enough from the barrier so as to be protected from
29 the bumpers of overhanging vehicles. Entrance driveways and the required open space

1 for sight distance associated with intersections and driveways shall be excluded from the
2 required screen.

3 (5) No fence shall be erected in that portion of the front yard not utilized
4 for the storage of vehicles for sale and resale.

5 (6) Any existing automobile sales facility lawfully established on the
6 effective date of this ordinance which does not comply with conditions (1) through (5)
7 above may be continued in accordance with the provisions of Chapter 27.61 for
8 nonconforming uses.

9 (27) Automobile sales and repair shops shall not be converted to a
10 permitted use unless all the parking requirements of Section 27.67.020 for such use are
11 met.

12 (l) Assembly facilities, including but not limited to the assembly of equipment,
13 instruments and appliances such as computers and musical instruments.

14 (1) Assembly facilities may include limited fabrication of finished parts to
15 be used in such assembly.

16 (2) The floor area of such facilities shall not exceed 50,000 square feet.

17
18 (3) Parking shall be provided in accordance with Section 27.67.066.

19 (4) Assembly facilities shall not be converted to a permitted use unless
20 all the parking requirements of Section 27.67.020 for such use are met.

21 Section 4. That Section 27.43.040 of the Lincoln Municipal Code be
22 amended to read as follows:

23 **27.43.040 Permitted Special Uses.**

24 A building or premises may be used for the following purposes in the H-3 Highway
25 Commercial District if a special permit for such use has been obtained in conformance with
26 the requirements of Chapter 27.63:

- 27 (a) Extraction of sand, gravel, and soil;
28 (b) Bulk storage of petroleum products;
29 (c) Broadcast towers;

1 (d) Church steeples, towers, and ornamental spires exceeding the maximum
2 permitted height in the H-3 Highway Commercial District;

3 (e) Outdoor lighting for recreational facilities;

4 (f) Expansion of nonconforming use;

5 (g) Historic preservation;

6 (h) Stores and shops for retail sales and service which exceed 20,000 square
7 feet of floor area;

8 (i) Public utility purposes;

9 (j) Wind energy conversion systems;

10 (k) Small batch concrete dispensing units;

11 (l) Health care facilities;

12 (m) Cemeteries;

13 (n) Sale of alcoholic beverages for consumption on the premises;

14 (o) Sale of alcoholic beverages for consumption off the premises;

15 (p) Limited landfills;

16 (q) ~~Storage of vehicles for sale and resale on any portion of the lot where~~
17 ~~parking is permitted;~~

18 ~~—(r)— Sexually oriented live entertainment establishments.~~

19 Section 5. That Section 27.49.030 of the Lincoln Municipal Code be
20 amended to read as follows:

21 **27.49.030 Permitted Conditional Uses.**

22 A building or premises may be used for the following purposes in the I-2 Industrial
23 Park District in conformance with the conditions prescribed herein:

24 (a) Fuel oil storage tanks and all bulk storage of oils, petroleum and similar flam-
25 mable liquids and chemicals:

26 (1) Shall be adequately screened from public view;

27 (2) Shall be for storage of such materials for use on the premises and not
28 for resale, except that resale of such stored material at retail only shall be permitted in
29 conjunction with the operation of a service station or similar retail outlet;

1 (3) Shall be located, constructed, maintained, and operated in compliance
2 with all codes and regulations of the City of Lincoln.

3 (b) Liquified petroleum gas and similar gas used for fuel stored above ground:

4 (1) Tanks may not exceed 30,000 gallon capacity;

5 (2) Such gas shall be for use on the premises, and not for resale;

6 (3) Such tanks shall be adequately screened from public view by a fire-
7 resistant ventilated barrier which shall be at least six feet in height;

8 (4) Must be in full compliance with all codes and regulations of the City
9 of Lincoln;

10 (c) All other combustible material: To be stored in such a way as to permit free
11 access of fire-fighting equipment.

12 (d) Open storage of any other material: Only in areas enclosed or otherwise
13 adequately screened from public view with an enclosure or screen at least six feet in
14 height.

15 (e) Neighborhood recycling center:

16 (1) Building area of such center shall not exceed 8,000 square feet;

17 (2) There shall be no outdoor storage of materials or equipment;

18 (3) The operation of such center shall not include dismantling or
19 disassembling of vehicles or major appliances;

20 (4) No hazardous or explosive materials shall be accepted at such center;

21 (5) Adequate traffic stacking shall be provided on site as determined by
22 the city;

23 (6) All required parking shall be provided on site;

24 (7) There shall be no processing of materials by heat, including, but not
25 limited to, melting, smelting, or burning;

26 (8) The facility shall not be designed to receive nor shall it accept
27 shipments by semi-trailer trucks;

28 (9) Construction and operation of such center shall comply with all
29 applicable health and fire codes.

30 (f) Vehicle body repair shop:

1 (1) All salvage material, including vehicles being salvaged, shall be inside
2 a building;

3 (2) All vehicles stored outside shall be repaired to an operating state
4 within thirty days;

5 (3) All vehicles stored outside waiting repair shall be screened in
6 accordance with the screening requirements for salvage and scrap processing operations;

7 (4) Construction and operation of such shop shall comply with all
8 applicable health and fire codes;

9 (5) Vehicle body repair shops lawfully existing on the effective date of this
10 ordinance shall have until January 1, 1987 to be brought into compliance with conditions
11 (1), (2), (3), and (4) above.

12 (g) The storage of vehicles for sale and resale on any portion of a lot where
13 parking is permitted:

14 (1) The storage of vehicles for sale and resale is permitted in the rear
15 one-half of the front yard under the following conditions:

16 (i) The storage of vehicles for sale and resale in the front yard
17 shall not be nearer than the required side yard to any side lot line.

18 (ii) Parking barriers in accordance with parking lot design
19 standards must be provided around the storage/display area to prevent the vehicles
20 stored/displayed for sale or resale from overhanging the required front yard where vehicles
21 are not allowed to be stored/displayed for sale or resale.

22 (iii) No vehicle shall be stored/displayed for sale or resale in the
23 front yard upon a raised concrete island or on a raised display structure.

24 (iv) The hood or trunk or both of vehicles stored/displayed for sale
25 or resale in the front yard shall not be open except when inspected by a customer or for
26 servicing.

27 (v) That portion of the front yard utilized for the storage of vehicles
28 for sale and resale shall be landscaped in accordance with the parking lot design
29 standards. Said landscaping shall be permanently maintained by the owner.

1 (2) That portion of the front yard not utilized for the storage of vehicles for
2 sale and resale shall not be used for customer or employee parking but shall be devoted
3 to trees, shrubs, and grasses.

4 (3) That portion of the front yard not utilized for the storage of vehicles for
5 sale and resale shall be screened at least sixty percent from zero feet to two feet above
6 the surface of the lot. Fences may not be used to meet the screening requirement. If plant
7 material is used, the density percentage is calculated at plant maturity. The screen shall
8 be located throughout the area but far enough from the barrier so as to be protected from
9 the bumpers of overhanging vehicles. Entrance driveways and the required open space
10 for sight distance associated with intersections and driveways shall be excluded from the
11 required screen.

12 (4) No fence shall be erected in that portion of the front yard not utilized
13 for the storage of vehicles for sale and resale.

14 (5) Any existing automobile sales facility lawfully established on the
15 effective date of this ordinance which does not comply with conditions (1) through (4)
16 above may be continued in accordance with the provisions of Chapter 27.61 for
17 nonconforming uses.

18 Section 6. That Section 27.49.040 of the Lincoln Municipal Code be
19 amended to read as follows:

20 **27.49.040 Permitted Special Uses.**

21 A building or premises may be used for the following purposes in the I-2 Industrial
22 Park District if a special permit for such use has been obtained in conformance with the
23 requirements of Chapter 27.63:

- 24 (a) Mining, quarrying, and stone mills;
- 25 (b) Broadcast towers;
- 26 (c) Early childhood care facilities;
- 27 (d) Expansion of nonconforming use;
- 28 (e) Historic preservation;
- 29 (f) Wind energy conversion systems;
- 30 (g) Enclosed disassembly operation in conformance with Section 27.63.500;

- 1 (h) Sale of alcoholic beverages for consumption on the premises;
2 (i) Any permitted use which exceeds the maximum height permitted in the
3 district;
4 (j) ~~Storage of vehicles for sale and resale on any portion of the lot where~~
5 ~~parking is permitted;~~
6 ~~(k) Sexually oriented live entertainment establishments.~~

7 Section 7. That Section 27.63.700 of the Lincoln Municipal Code be and the
8 same is hereby repealed:

9 **~~27.63.700 Permitted Special Use: Storage of Vehicles for Sale Where Parking is~~**
10 **~~Permitted.~~**

11 ~~The storage of vehicles for sale and resale in the B-3, H-2, H-3, and I-2 zoning~~
12 ~~districts may be permitted upon any portion of the lot where parking is permitted. Any area~~
13 ~~in a required front yard used for such storage of vehicles must conform to the parking lot~~
14 ~~design standards unless specifically adjusted or waived by the City Council.~~

15 Section 8. That Sections 27.41.030, 27.41.040, 27.43.030, 27.43.040,
16 27.49.030 and 27.49.040 of the Lincoln Municipal Code as hitherto existing be and the
17 same are hereby repealed.

18 Section 9. That this ordinance shall take effect and be in force from and after
19 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ____ day of _____,
2002:

Mayor